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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,898	12/01/2000	Thomas William Birdwell	13DV13419	3672

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EXAMINER

LU, KUEN S

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,898

Applicant(s)

BIRDWELL ET AL.

Examiner

Kuen S Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (U.S. Patent 6,721,676) and in view of Koct et al. (U.S. Patent 5,628,319, hereafter "Koch").

As per claim 1, Ueda teaches the following for managing data:

"providing a predetermined standard data format" for test data (See Figs. 3-4 and col. 4, line 54 – col. 5, line 16 wherein Ueda's supplied data as a result of functional simulation of an integrated circuit is equivalent to Applicant's providing a predetermined standard data format for test data);

"converting existing" "test data to the standard data format" (See Figs. 3-4 and col. 4, line 54 – col. 5, line 16 wherein Ueda's converting the simulation data to the data in the form of a flowchart is equivalent to Applicant's converting existing test data to the standard data format);

"adding the converted" "test data to a computer database associated with a computer network" (See col. 6, lines 49-52 wherein Ueda's test data formed may be stored in a storage device is equivalent to Applicant's converting existing test data to the standard data format); and

"transmitting the converted data over the network" (See col. 9, lines 16-23 wherein Ueda's testing code is available from data communication network suggest the network is available for transmitting the converted data).

Ueda does not specifically teach the data supplied, the data converted and stored is for the purpose of NDE, although Ueda, at col. 3, lines 20-50, teaches the management of the data is for the purpose of semiconductor application which the Examiner interprets as a non-destructive testing.

However, Koch teaches non-destructive testing data receiving, conversion and transmission (See Figs. 1-2 and col. 5, line 48 – col. 6, line 14).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine the teaching of Koch with Ueda because both references are dedicated to testing process and testing data management, and the combined teaching would have allowed Ueda's system to utilize Koch's teaching on precision determination of the maximum signal amplitude and its timing, to further enhance its ability to maintain desired accuracy and precision for testing semiconductor devices.

Conclusions

3. The prior art made of record

A. U.S. Patent 6,721,676

B. U.S. Patent 5,628,319

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C. U.S. Patent 6,499,125

D. U.S. Patent 6,018,713

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number 571-272-4114.

The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Kuen S. Lu

Patent Examiner 

February 11, 2005



Luke Wassum

Primary Examiner

February 11, 2005